

THE EFFECTIVE DATE OF THIS ORDINANCE IS NOVEMBER 4, 2005

ORDINANCE NO. 65-29-390

Zoning Text Amendment and Code Revision

RE: To conform Frederick County Code Section 1-19-289 to the provisions of Frederick County Code Section 2-13-3

PREAMBLE

The Board of County Commissioners is cognizant that under a public local law enacted by the General Assembly, Laws of 1991, Chapter 194, § 1 (codified in Frederick County Code § 2-13-5) the Board of County Commissioners, in order to provide for the general health and welfare of the residents of Frederick County, may acquire, construct, operate, and maintain such water, sewerage, drainage and solid waste systems as it deems to be in the public interest.

The Board of County Commissioners is further cognizant that under the Frederick County Code Section 2-13-3, in exercising those powers, the Board of County Commissioners shall not be subject to the provisions of any planning regulations or zoning ordinances enacted under the provisions of Article 66B of the Annotated Code of Maryland.

The Board of County Commissioners notes that there exist in the Frederick County Zoning Ordinance, Frederick County Code § 1-19-289, certain references to county government solid waste operations. The Board desires to amend § 1-19-289 to delete references to county government solid waste operations in order to conform § 1-19-289 to the provisions of § 2-13-3. It is the intent of the Board that county

government solid waste operations are only subject to the procedural requirements of § 2-13-5(a), and are not subject to any provisions of the Zoning Ordinance or any Planning Regulations of Frederick County.

In light of the deletion of the references to county government solid waste operations in § 1-19-289, the Board finds that the definitions, as shown on attached Exhibit B, in § 1-19-4 have become surplusage and should be deleted.

The Frederick County Planning Commission held a public hearing on August 17, 2005. The Planning Commission voted 4 - 0 to recommend denial of the text amendment.

A public hearing was held by the Board of County Commissioners on this Ordinance on October 25, 2005. The public hearing before the Board of County Commissioners was duly advertised in the Frederick News Post, a newspaper of general circulation in Frederick County, on October 8, 2005 and October 15, 2005. The public had an opportunity to comment on this Ordinance at this public hearing.

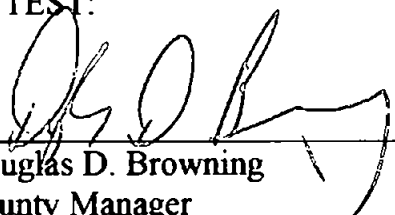
NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that § 1-19-289 of the Frederick County Code (2004) be amended to delete references to county government solid waste operations as shown on the attached Exhibit A, which is incorporated herein by reference.

AND BE IT FURTHER ENACTED AND ORDAINED that § 1-19-4 of the Frederick County Code (2004) be amended to delete references to definitions of county government solid waste operations as shown on the attached Exhibit B which is incorporated herein by reference.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall
take effect on November 4, 2005.

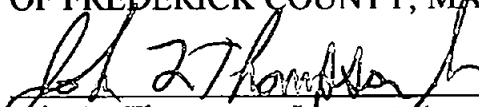
The undersigned hereby certifies that this Ordinance was approved and adopted on
the 25th day of October, 2005.

ATTEST:



Douglas D. Browning
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



John L. Thompson, Jr.
President

EXHIBIT A

Amend:

§ 1-19-289. USE REGULATIONS FOR SPECIFIC ZONING DISTRICTS.

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-411 through 1-19-413

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-376 and following

T Permitted as temporary use as a special exception. See § 1-19-213

X Permitted as temporary use only. See § 1-19-213

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
Solid Waste Operations														
Borrow pit operations		PS											PS	PS
Industrial waste landfill		E												E
Rubble landfill		SW												SW
[County government rubble landfill		PS												PS]
[County government sanitary landfill		PS												PS]
[County government solid waste transfer station		E							PS				PS	PS]
[County government recycling dropoff centers	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS]
Zoning Districts														
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
Recycling pickup and distribution centers													PS	PS
[County government incinerators		SW												SW]
RRF (Resource Recovery Facility - Separated Recyclables)		SW											SW	SW
RRF (Resource Recovery Facility - Nonseparated Materials)														SW
Composting (commercial and governmental):														
Yard waste		E												E
Sludge amended yard waste		SW											SW	SW
Solid waste composting		SW											SW	SW
Sludge pit		E												

Underlining indicates matter added to existing law. [Brackets] indicate matter deleted from existing law.

EXHIBIT B

§ 1-19-4. DEFINITIONS

[COUNTY GOVERNMENT INCINERATOR. All of the furnaces or combustion units at the premises owned by the Board of County Commissioners of Frederick County that use controlled flame combustion for the thermal destruction of refuse, industrial waste, infectious waste or sewage sludge. "Incinerator" does not mean a hazardous waste incinerator.

COUNTY GOVERNMENT RECYCLING DROP-OFF CENTER. A Frederick County Board of County Commissioners-operated facility where recyclable materials can be dropped off for collection by the agency or private operator under contract with the responsible agency.

COUNTY GOVERNMENT RUBBLE LANDFILL. A rubble landfill owned by the Board of County Commissioners of Frederick County and operated by or on behalf of the Board of County Commissioners.

COUNTY GOVERNMENT SOLID WASTE TRANSFER STATION. A transfer station owned by the Board of County Commissioners of Frederick County and operated by or on behalf of the Board of County Commissioners.]